#### <u>RFU – AVIVA PREMIERSHIP</u>

# **DISCIPLINARY HEARING**

**At:** Holiday Inn, Epsom

On: Tuesday 14 September 2010

JUDGMENT.

**Player:** George Stowers Club: London Irish

**Match:** Bath v London Irish

**Venue:** Bath **Date of match:** 11<sup>th</sup> September 2010

**Judicial Officer:** Jeff Blackett<sup>1</sup>

**Secretariat:** Liam McTiernan

**Attending:** The Player.

Toby Booth – London Irish Kieran McCarthy – London Irish

1. The Player was sent off in the 23<sup>rd</sup> minute of the second half for a dangerous tackle. He indicated that he accepted that he had committed an offence and did not contest the award of a red card.

### **The Facts**

2. The Referee's report stated:

"Very open game. Lots of open running rugby but with defences on top. No issues with player behaviour. The bath player involved in the incident appeared to be knocked unconscious.

Bath No 15 (Mr Abendanon) was in possession and running towards the London Irish 22 on the left side of the pitch. As the Bath 15 was attempting to run past Mr Stowers I saw Mr Stowers tackle him dangerously with a swinging arm which made contact on Mr Abendanon's head area and threw him off his feet. Mr Abendanon hit the ground and did not move. I immediately stopped play. I consulted via the match officials communication kit with the far side assistant referee MrAlan Hughes who told me that he had seen the swinging arm make contact with Mr Abendanon but could not confirm the identity of the player. I talked directly to the near side assistant referee Mr Paul Dix who informed me that his view was blocked by other players and did not see the

<sup>&</sup>lt;sup>1</sup> Sitting alone in accordance with RFU Regulation 19.5.1.1

incident. Based on what I had seen and had confirmed to me by Mr Hughes I sent Mr Stowers from the field of play. After approximately 2 minutes of treatment Mr Abendanon could continue to play."

- 3. The video of the incident showed Bath attacking from right to left with their backs in possession having won a ruck. Bath 15 took a switch pass from Bath 12 and ran laterally across the pitch going behind his own players who were leaving a ruck. As he continued to traverse laterally past the remains of a ruck the players launched himself from the area of the ruck in an attempt to tackle Bath 15. As Bath 15 saw the player approach he leant in towards him and attempted to hand him off. By doing so his head was lowered slightly. Both arms were outstretched in front of him in what appeared to be a genuine attempt to tackle. His left arm was in front and across Bath 15 contact was made between his upper arm and Bath 15's left chin or cheek area. The player's right arm grasped towards Bath 15's back and made glancing contact to the lower back area. Bath 15 fell forward and hit the ground face first and then lay prone. Play stopped and some Bath players remonstrated with the player. He waited until the referee sent him off, but before he left the pitch he went across to apologise to Bath 15.
- 4. The Head of Sports Medicine for Bath Rugby, Dr Julian Widdowson, said in a written statement that after Bath 15 hit the ground he was attended immediately by him and the team physiotherapist Brent Taylor. Bath 15 was conscious and alert answering all questions appropriately. There was no sign of concussion. His neck was cleared clinically from any serious injury. He had grazes across the left side of his face which were bleeding. These were sustained either at the tackle impact or when he fell to the ground on his face. His wounds were cleaned and he returned to play. After the game his neck was painful and had restricted movement due to the pain. He was diagnosed with mild whiplash injury and prescribed muscle relaxants and anti-inflammatories and received physiotherapy to his neck. Dr Widdowson reported that the symptoms had been resolved by the date of the hearing.
- 5. The player said that Bath had been in possession for a number of phases and London Irish could not get hold of the ball. He had emerged from the ruck to see Bath 15 running across him and he attempted to tackle him. In executing the tackle he had been attempting to prevent Bath 15 from off loading the ball out of the tackle and the DVD footage showed his left hand attempting to grasp the ball. He said this was not malicious nor premeditated, but he accepted it was clumsy.

## **Decision on Entry Point**

6. This offence was not deliberate. The player was, in a split second and at full stretch, attempting a legitimate tackle but due to the distance between him and Bath 15 he could not quite reach his aim. As he executed the tackle Bath 15 leant into him in an attempt to hand him off – and contact was above the shoulders. This was reckless. This offence was not serious – it occurred in open play and was clumsy. The player's injuries were minor – he was certainly not unconscious at any stage and it appears from the DVD that grazes to his face would have been caused by his contact with the ground – and he continued to play after a short period of treatment.

The effect on the game was minimal. In those circumstances this offence can properly be categorised as being at the Lower End of the scale of seriousness.

#### Mitigation

7. Mr Booth submitted that the Club had already suffered a severe penalty as a result of this dismissal because they lost the game. He said that this was not a classic straight arm tackle above the shoulders but a tackle executed in a slightly clumsy manner. Had his arm been a few inches lower no offence would have been committed. Mr McCarthy accepted that the player had one previous offence against him – a sanction of three weeks following a citing for a dangerous tackle and a striking – both of which were out of character. There were no aggravating factors, and all of the other mitigating factors listed in RFU Regulation 19.8.2.8 were present.

## **Sanction**

- 8. The LOWER END entry point for dangerous tackling is 2 weeks suspension. There are no aggravating features in this case and the player is entitled to 50% reduction to reflect the presence and timing of culpability, his conduct prior to and at the hearing and his remorse. I went on to consider whether he should be entitled to further reduction under the provisions of 19.8.2.9 (exceptional circumstances). Although normally the fact that he has a previous offence recorded against him would preclude further reduction I am satisfied that justice in this case can be done by further reduction. The referee was no doubt influenced by his initial assessment that Bath 15 appeared to be unconscious. The referee also observed what occurred in a split second, and was correctly concerned about what he perceived to be a swinging arm across the head of Bath 15. In fact Bath 15 was never unconscious and the player did not swing his arm but lunged forward with both arms to tackle. In the circumstances at the time the referee was correct to send the player off, but given the information subsequently available to me it would be excessive to impose any further sanction.
- 9. Sending off is sufficient for this offence and the Player may play again with immediate effect.

#### Costs

10. Costs of £250.00 are awarded against the Player/club.

#### Right of Appeal

11. The Player is reminded of his right of appeal against this decision.

Signed: Jeff Blackett Date: 14 September 2010

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